

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH J. MORRIS, on behalf of himself
and all others similarly situated;

Plaintiff,

vs.

R.A. POPP ENTERPRISES, INC.,
RONALD POPP, RUTH ANN POPP,
KAREN POPP, ANDREW POPP,

Defendants.

8:11CV263

AMENDED PROGRESSION ORDER

The Joint Stipulation to Continue All Deadlines (Filing 59), is granted, and the progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom, United States Courthouse, Omaha, Nebraska at 9:00 a.m. on **July 23, 2013**, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **July 9, 2013 at 9:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on July 8, 2013. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **April 9, 2013 at 10:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is February 15, 2013. Motions to compel Rule 33 through 36 discovery must be filed by February 1, 2013.

- 5) The deadline for defendant's service of complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is March 1, 2013.
- 6) The deposition deadline is April 30, 2013.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is April 1, 2013.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is May 15, 2013.
- 9) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

October 17, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge